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2179  
cc.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

MASTRONARDI

Atty. Ref.: JSP-871-102

Serial No. 09/888,540

TC/A.U.: 2179

Filed: June 26, 2001

Confirmation No.: 9380

Allowed: August 11, 2008

For: PROCESS FOR SELECTING A RECORDING ON A DIGITAL  
AUDIOVISUAL REPRODUCTION SYSTEM, AND SYSTEM FOR  
IMPLEMENTING THE PROCESS

\* \* \* \* \*

December 12, 2008

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO REVIVE**  
**UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**

The above identified application was unintentionally abandoned. As required by 37 C.F.R. § 1.137(b)(1), the above identified application was unintentionally abandoned by virtue of the failure to provide formal drawings with the payment of the Issue Fee and Publication Fee on November 12, 2008 in response to the Notice of Allowance dated August 11, 2008. Applicant encloses herewith nine sheets of replacement drawings to comply with this requirement. Applicant further includes a copy of the stamped postcard indicating that the Issue Fee and Publication Fee were paid on November 12, 2008, and a copy of the Notice of Abandonment issued December 4, 2008. Applicant also encloses herewith the petition fee in the amount of \$810.00 as required by 37 C.F.R. § 1.137(b)(2). Pursuant to C.F.R. § 1.137(b)(3), Applicant

12/15/2008 SZEWDIE1 00000026 09888540

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MASTRONARDI  
Serial No. 09/888,540  
December 12, 2008

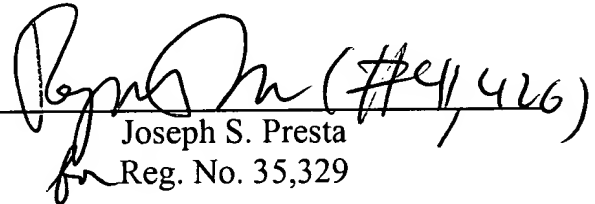
respectfully submits that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. Because this utility application was filed after June 18, 1995, no terminal disclaimer is required.

Having met all of the requirements set forth in 37 C.F.R. § 1.137(b), it is respectfully requested that the above identified application be revived, and that the patent application proceed to issue in the U.S. Patent and Trademark Office.

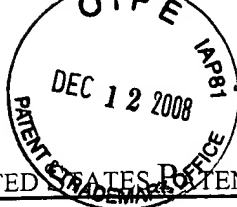
The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number JSP-871-102.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:  (741,426)  
Joseph S. Presta  
Reg. No. 35,329

JSP/JR:lmj  
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Arlington, VA 22203-1808  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,540	06/26/2001	Tony Mastronardi	JR 871-102	9380

EXAMINER
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HUYNH, BA

ART UNIT	PAPER NUMBER
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2179

MAIL DATE	DELIVERY MODE
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12/04/2008

PAPER

7590 12/04/2008  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

DATES DOCKETED

Dec 19, 2008  
CHL / me

Pet to Revive

## Notice of Abandonment

This application is abandoned in view of:

1. ☐ The applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission date \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:
    - (1) a timely filed amendment which places the application in condition for allowance;
    - (2) a timely filed Notice of Appeal (with appeal fee);
    - (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box e below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission date \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.  
The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☒ No corrected drawing have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



Serial  
Applic  
Title

C#/M#: 871-102

Serial No.: 09/888,540

Atty: Joseph S. Presta

Inventor/s: MASTRONARDI Date: November 12, 2008

Title: PROCESS FOR SELECTING A RECORDING ON  
A DIGITAL AUDIOVISUAL REPRODUCTION SYSTEM,  
AND SYSTEM FOR IMPLEMENTING THE PROCESS

**XX Base Issue Fee Transmittal**

☒ **Credit Card Payment Form (\$1,825.00)**

Other:





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In re Patent Application of

MASTRONARDI

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Examiner: Ba Huynh

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\* \* \* \* \*

December 12, 2008

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SMALL ENTITY CLAIM**

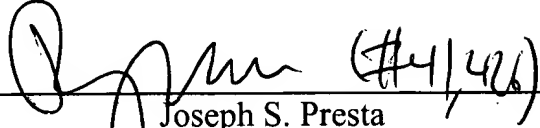
Please accept the claim for Small Entity status in the above-identified case.

Applicant is a business with less than 500 employees and is therefore eligible for small entity status. Applicant erroneously paid the Issue Fee for the above-identified case as a large entity on November 12, 2008, and is requesting refund of the overpayment of the Issue Fee concurrently with the filing of this paper.

MASTRONARDI  
Serial No. 09/888,540

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:  (4/4/11)  
Joseph S. Presta  
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